

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MIKE GROENE, individually and as Chair of)
the Stop Overspending Nebraska Ballot)
Committee; ROBERT COLE ROGERS, and)
AMIE SPRADLEY,)

Case No.: 4:06cv3153

Plaintiffs,)

v.)

COLEEN SENG, in her official capacity as)
Mayor of the City of Lincoln, Nebraska;)
THOMAS K. CASADY, in his official capacity)
as Chief of Police for the City of Lincoln,)
Nebraska; MIKE FAHEY, in his official)
capacity as Mayor of the City of Omaha,)
Nebraska; THOMAS H. WARREN, in his)
official capacity as Chief of Police for the City)
of Omaha, Nebraska; JULIE M. HANEY, in)
her official capacity as Treasurer, Douglas)
County, Nebraska; RIVKAH SASS, in her)
official capacity as Library Director for the City)
of Omaha, Nebraska; STACEY ALDRICH, in)
her official capacity as Assistant Library)
Director for the City of Omaha, Nebraska; JAY)
VAVRICEK, in his official capacity as Mayor)
of the City of Grand Island, Nebraska; STEVE)
LAMKEN, in his official capacity as Chief of)
Police for the City of Grand Island, Nebraska;)
and STEVE FOSSELMAN, as Library Director)
for the City of Grand Island, Nebraska,)

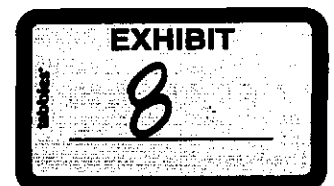
Defendants.)

AFFIDAVIT OF
ANDREW S. JACOBS

State of Nebraska)
) s.s.
County of Douglas)

Andrew S. Jacobs, having first been duly sworn on his oath, hereby states as follows:

1. I am over the age of 18 and I have personal knowledge regarding the facts



contained in this affidavit.

2. From May 10, 2006 until the present, I have worked as a petition circulator in Nebraska.
3. As a petition circulator, I present to registered voters in Nebraska a petition which seeks to place a constitutional amendment on the Nebraska November 2006 ballot.
4. The constitutional amendment would establish a limit on the growth of state spending which may only be exceeded with voter approval (the "SOS Initiative").
5. When I approach people to request that they sign the SOS Initiative petition, I generally ask if they are a registered voter. If they respond affirmatively, I then ask them if they would like to help out to get the SOS Initiative issue on the ballot. I then go on to explain the SOS Initiative and then ask if they would like to sign the petition.
6. On Friday, June 9, 2006, I arrived at Heartland of America Park ("Heartland") in order to circulate the petition in support of the SOS Initiative.
7. On June 9, 2006, Heartland was the site of a festival called the Taste of Omaha (the "Festival").
8. Heartland has many sidewalks throughout the park, and I stayed primarily on or near the sidewalks.
9. After several hours of talking to attendees at the Festival, I was approached by a man in a yellow security shirt who had an earpiece in his ear.
10. He identified himself as security for the Festival.
11. The security officer stated that I had to leave Heartland and that I could not circulate the SOS Initiative in Heartland because Heartland was a private area

during the Festival.

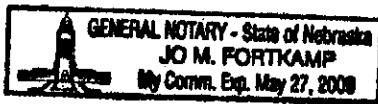
12. The security officer further stated that if I continued to circulate the SOS Initiative in that area, I would be arrested.
13. I feared that I would be arrested, so I immediately left the area.
14. I did not return to that area of Heartland for the remainder of the Festival, and instead circulated the SOS Initiative outside of the Festival.
15. On Tuesday, June 20, 2006, I arrived at the Hall of Justice at 17th & Farnam Streets in Omaha, Nebraska in order to circulate the petition in support of the SOS Initiative. I positioned myself in the both the north mall and south mall courtyards near the entrances to the Hall of Justice. I was standing on the sidewalks at least 20-25 feet from the entrances. In none of these locations did I block anyone's ability to enter or exit the facilities, nor did my activities cause any crowds to gather in these areas. Photographs of the areas in which I was standing are attached hereto as Exhibit A.
16. Shortly after my arrival at each location I was approached by a security guard who stated to me that I had to be standing on the sidewalk next to the street and that I could not be on any of the other paved areas surrounding the exterior of the building.
17. I feared that I would be arrested, so I immediately left the area.

FURTHER AFFIANT SAYETH NOT.

6/22/06
Date

Andrew S. Jacobs
Andrew S. Jacobs, Plaintiff

Subscribed to and sworn before me this 22nd day of June, 2006.



Jo M. Fortkamp
Notary Public

Exhibit A - 1





Exhibit A - 2

Exhibit A - 3



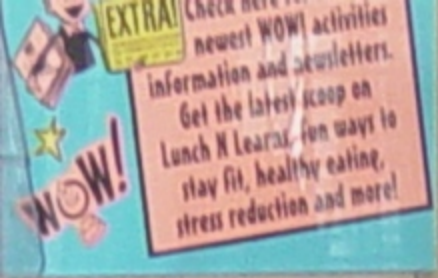


Exhibit A - 4



Exhibit A - 5

